

Notice of Allowability	Application No.	Applicant(s)	
	10/599,313	CHA ET AL.	
	Examiner	Art Unit	
	JULIE HA	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 24, 2009.
2. ☒ The allowed claim(s) is/are 1,6-9,39-43,46,47 and 49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/25/06, 7/5/07, 12/5/07</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>June 29, 2009</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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/Julie Ha/
Examiner, Art Unit 1654

/Cecilia Tsang/
Supervisory Patent Examiner, Art Unit 1654

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph H. Kim on June 29, 2009.

Claims 2-5, 10-38, 44-45 and 48 have been cancelled.

Claims 1, 6-9, 39-43, 46-47 and 49 are allowed.

Claims 1 and 6-9 have been amended as follows:

1. An adhesive protein comprising ~~an amino acid sequence shown in SEQ ID NO: 6.~~

6. The adhesive protein of ~~claim 2, wherein the peptide is an amino acid sequence as shown in SEQ ID NO: 25 tandemly repeated 1 to 10 times~~ claim 1, wherein the adhesive protein further comprises a peptide of SEQ ID NO: 25 tandemly repeated 1 to 10 times.

7. The adhesive protein of claim 6, wherein the adhesive protein comprises an amino acid selected from the group consisting of ~~an amino acid sequence shown in~~

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SEQ ID NO: 10, ~~an amino acid sequence as shown in~~ SEQ ID NO: 12, and ~~an amino acid sequence as shown in~~ SEQ ID NO: 14.

8. The adhesive protein of ~~claim 2~~ claim 1, ~~wherein the peptide comprises 6 histidine residues~~ wherein the adhesive protein further comprises a peptide which comprises 6 histidine tags.

9. The adhesive protein of claim 8, wherein the adhesive protein comprises an amino acid sequence selected from the group consisting of ~~an amino acid sequence as shown in~~ SEQ ID NO: 16, ~~an amino acid sequence as shown in~~ SEQ ID NO: 18, ~~an amino acid sequence as shown in~~ SEQ ID NO: 20, and ~~an amino acid sequence as shown in~~ SEQ ID NO: 22.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: An adhesive protein comprising SEQ ID NO: 6 is free of prior art. The sequence of SEQ ID NO: 6 is novel and unobvious. The GenBank Accession No. AAS00463 (submitted Jan. 8, 2004) is Applicant's own submission, and cannot be used as a prior art, since instant application claims benefit of 60/556,805, filed on March 26, 2004. The closest prior art is by Waite et al (Biochemistry, 2001, 40: 2887-2893, filed with IDS). Waite teaches a peptide sequence

MKLSCIVLVFLVTLAAYSDVGS~~SS~~**EEYKGGYYPGN**A**YHYHSGGSYHGGYKGYKYYGA**

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KKYYYKYKNSGKYKYLKKARKYHRKGYKYYGGSS (see page 2892, right column at the sequence). The difference between instant SEQ ID NO: 6 and the closest prior art is that there is an alanine residue (underlined) instead of a threonine residue. Therefore, SEQ ID NO: 6 is free of prior art, any protein comprising SEQ ID NO: 6, and any protein comprising SEQ ID NO: 6, further comprising peptide attached to a carboxy- and/or amino-termini of the protein are both novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Claims 1, 6-9, 39-43, 46-47 and 49 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIE HA whose telephone number is (571)272-5982.

The examiner can normally be reached on Mon-Thurs, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Ha/
Examiner, Art Unit 1654

/Cecilia Tsang/
Supervisory Patent Examiner, Art Unit 1654